

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**DAVID CALZADA,
PLAINTIFF,**

v.

**GLOBAL GAMING WS TOWERS II & III,
LLC, AND GLOBAL GAMING WS TOWER
I, LLC,
DEFENDANTS.**

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CIVIL ACTION NO. 21-cv-146-RAW

PLAINTIFF'S ORIGINAL COMPLAINT

NOW COMES, David Calzada, Plaintiff, complaining of and against Global Gaming WS Towers II & III, LLC, and Global Gaming WS Tower I, LLC, Defendants, and for cause of action would respectfully show the following:

Parties

1. Plaintiff David Calzada is an individual residing in Houston, Harris County, Texas.

2. Defendant Global Gaming WS Towers II & III, LLC is an Oklahoma limited liability company with its principal place of business in Oklahoma. Defendant Global Gaming WS Towers II & III, LLC is an entity doing business in the State of Oklahoma. Defendant Global Gaming WS Towers II & III, LLC can be served with process by serving its registered agent, Global Gaming WS Towers II & III, LLC, 1921 Craddock Road, Ada, Oklahoma 74820.

3. Defendant Global Gaming WS Tower I, LLC is a Delaware limited liability company with its principal place of business in Oklahoma. Defendant Global Gaming WS Tower I, LLC is an entity doing business in the State of Oklahoma. Defendant Global Gaming WS Tower I, LLC can be served with process by serving its registered agent, Global Gaming Solutions, LLC, 1921 Craddock Road, Suite 200, Ada, Oklahoma 74820.

Jurisdiction and Venue

4. Jurisdiction of this action is vested in this Court by 28 U.S.C. § 1332 as diversity of citizenship exists between Plaintiff and Defendants, and the amount in controversy exceeds \$75,000.00.

5. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part of the events or omissions giving rise to Plaintiff's claim occurred in Love County, Oklahoma, which lies within the Eastern District of Oklahoma.

Factual Statement

5. On or about May 14, 2019, Plaintiff was injured, while on Defendants' premises located at 777 Casino Avenue, Thackerville, Oklahoma 73459 (the "Premises"). At the time of Plaintiff's injury, the Premises were being used for the purpose of a casino resort.

6. Defendants were in control of the Premises on which Plaintiff's injuries occurred. At the time the injuries occurred, Defendants were the owner of the Premises or leasing and/or operating the Premises, and had the exclusive right to control the Premises on which Plaintiff was injured.

7. Plaintiff was an invitee at the time the injury occurred. Plaintiff went onto Defendants' Premises for the mutual benefit of himself and Defendant, and at the implied invitation of the Defendants.

8. Plaintiff was injured when, while a guest of the resort, he attempted to get ice from the guest ice machine. At that time, the ice machine housing cover, which was unsecured, fell, striking Plaintiff on and about the head and neck, causing serious injuries as complained of herein.

Cause of Action: Premises Liability

9. At all material times, Plaintiff was an invitee of Defendants as he was on the Premises for the purpose of purchasing services from Defendants at Defendants implied invitation. At the time of the incident, there existed on the Premises a dangerous condition of which Defendants knew or should have known. Such dangerous condition posed an unreasonable risk of harm but Defendants failed to exercise reasonable care to eliminate the risk. Such failure by Defendants proximately caused Plaintiff to suffer injuries.

Damages

10. As a direct and proximate result of the negligence of Defendants which forms the basis of this lawsuit, Plaintiff was caused to suffer and did suffer severe bodily injuries and damages and prays to recover from Defendants those damages set forth below.

- a. Physical pain and mental anguish sustained in the past;
- b. Physical pain and mental anguish that Plaintiff will sustain in the future;
- c. Physical impairment sustained in the past;
- d. Physical impairment that Plaintiff will sustain in the future; and
- e. Medical care expenses incurred in the past.

Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests judgment for all actual, general, and special damages, prejudgment and postjudgment interest as provided by law; costs of court; and such other and further relief, in law or equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ Daryoush Toofanian

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